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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,164	04/09/2007	Hansjoerg Meerpohl	2003P01977WOUS	4747

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3743

NOTIFICATION DATE	DELIVERY MODE
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01/07/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/584,164	Applicant(s) MEERPOHL ET AL.	
	Examiner Stephen M. Gravini	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-31 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 32 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary matter

In view of the Appeal Brief filed on October 30, 2009, PROSECUTION IS
HEREBY REOPENED. An Office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the
following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed
by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and
appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth
in 37 CFR 41.20 have been increased since they were previously paid, then appellant
must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by
signing below:

/Kenneth B Rinehart/

Supervisory Patent Examiner, Art Unit 3743.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be “material to patentability as defined in 37 CFR 1.56.”

The current declaration states “material to examination” and rule “56(a)” but should include the statement above.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 16-19, 23, and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Janke (US 3,702,030). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Janke as comprising:

performing a drying program including a heating-up phase, a drying phase, and a cooling-down phase at column 7 lines 13-35;

performing an anti-crease cycle having alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest, the

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duration of the rotary movement intervals decreasing in relation to the stoppage time intervals in response to an operating parameter at column 5 lines 18-48; or alternatively:

a housing **10**;

a drum **11** receiving the laundry and mounted for rotation with respect to the housing;

a motor **17** coupled to the drum for driving rotation of the drum;

an inlet duct **13** providing an air flow to the drum and a heating device selectively heating air in the inlet duct; an outlet duct receiving the air flow from the drum;

a control device **23** coupled to the motor and controlling rotation of the drum, the control device performing an anti-crease cycle including alternately rotating the drum during rotary movement time intervals and stopping rotation of the drum during stoppage time intervals, the control device decreasing the duration of the rotary movement intervals decreasing in relation to the stoppage time intervals in response to an operating parameter at column 5 lines 18-48. Janke also discloses the claimed operating parameter includes the length of time of the anti-crease cycle as shown in figure 3, act of detecting the temperature of the laundry with a sensor and the operating parameter includes a decrease in the temperature of the laundry at column 8 lines 31-56, act of detecting the residual moisture of the laundry with a sensor and the operating parameter includes a decrease in the residual moisture of the laundry at column 7 lines 13-35, act of detecting at least one of a quantity of laundry, a heating-up time, a laundry moisture, a laundry moisture profile, a laundry specific conductance, a profile of the laundry specific conductance, a moisture content and/or the moisture profile, a

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temperature of the laundry, a temperature profile of the laundry, a temperature of the drying air, a temperature profile of the drying air in the drum of the laundry dryer, a comparison of the moisture content, a moisture profile, a temperature of the drying air, a temperature profile of the drying air in the drum of the laundry dryer between entry into the drum and exit from the drum, and a time before reaching a drying target at column 8 lines 31-56, timing element providing a length of time of the anti-crease cycle to the control device and the operating parameter including an increase in the length of time of the anti-crease cycle as shown in figure 3, temperature sensor detecting the temperature of the laundry and providing a temperature signal to the control device indicating the temperature of the laundry, the operating parameter including the temperature signal at column 8 lines 31-56, electrodes detecting a moisture level of the laundry and providing a moisture signal to the control device indicating the moisture level of the laundry, the operating parameter including the moisture signal at column 7 lines 13-35.

Claim Rejections - 35 USC § 103

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janke in view of St. Louis (US 2003/0097764). Janke discloses the claimed invention, as rejected above, except for the claimed user pre-selection. St. Louis, another dryer, discloses that feature in the abstract. It would have been obvious to one skilled in the art to combine the teachings of Janke with the user pre-selection feature in order to allow various operator controls for different laundering requirements.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janke in view of Liebermann (US 3,060,591). Janke discloses the claimed invention, as rejected above, except for the claimed step of detecting an amount of laundry. Liebermann, another dryer, discloses that feature at column 2 lines 18-69. It would have been obvious to one skilled in the art to combine the teachings of Janke with the detecting an amount of laundry feature in order to allow various operator controls for different laundering requirements.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janke in view of Worst (US 3,309,783). Janke discloses the claimed invention, as rejected above, except for the claimed step of reverse rotation. Worst, another dryer, discloses that feature at column 1 lines 14-60. It would have been obvious to one skilled in the art to combine the teachings of Janke with the reverse rotation feature in order to allow various operator controls for different laundering requirements.

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janke. Janke discloses the claimed invention, as rejected above, except for the claimed stop time intervals with subsequent magnitudes. It would have been an obvious matter of design choice to recite that feature, since the teachings of Janke would perform the invention, as claimed, regardless of the recited time intervals and magnitude.

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janke in view of Kohlman et al. (US 6,381,870). Janke discloses the claimed invention, as rejected above, except for the claimed anti-crease feature. Kohlman, another dryer,

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discloses that feature at column 4 line 53 through column 5 line 17. It would have been obvious to one skilled in the art to combine the teachings of Janke with the anti crease feature of Kohlman in order to allow various operator controls for different laundering requirements.

Response to Arguments

Applicant's arguments filed April 20, 2009 have been fully considered but they are not persuasive.

Janke anticipation

Applicants argue that the claims should be allowed over the Janke reference because the desirability of an anti-crease cycle. The Janke reference inherently discloses this feature because the structure and function of that teaching reference anticipates all of the claimed features as rejected. Furthermore, it necessarily follows that it would be desirable to have an anti-crease cycle, because when a dryer is operated as claimed, in light of Janke, anti-crease would occur.

Also, statements of desirability and intended uses do not overcome the prior art unless the claimed invention is structurally and functionally different from the prior art. In this application, the claimed structure and function is met by Janke because the structure and function of that reference meets the desirability of an anti-crease function.

obviousness

Applicants argue that since the anticipation rejection should be withdrawn, then so should the obviousness rejections. The anticipation rejection is proper such that the obviousness rejection is also proper.

Conclusion

Other prior art references cited with this action disclose one or more features of the claimed invention, but are not relied upon in this action, in rejecting the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. Gravini/
Primary Examiner, Art Unit 3743